AVOIDED THE COMMISSION.

A Trio of Desirable Witnesses Who Are Not to Be Found.

Mr. Poppleton's E loquent Sophistries Succumb to the Keen Analysis of the Chairman of the Investigation.

GONE FOR AN INDEFINITE TIME.

Yesterday Day's Proceedings.

The first witness called by the Union Pacific investigating committee vesterday morning was Sergeant-at-Arms Walsh. who testified as to attempts to serve subpoenas on John M. Thurston, W. A. Paxton, and G. M. Dodge.

Mr. Thurston, he had been informed, was in Minnesota and his wife was unable to say when he would return.

Mr. Paxton, so a clerk at the Paxton hotel had informed the witness, was out of town and no one was able to say when

he would return. G. M. Dodge had gone to Fort Worth, Texas, and witness was told that it was doubtful whether he would ever return to Council Bluffs, where he recently re-sided. It was believed to be his intention to take up his permanent residence in

New York. General Traffic Manager Kimball was sgain placed on the stand and produced papers called for yesterday, showing the open rates charged by the Union Pacific to the Omaha and Grant smelting works, from 1884 to 1886.

Chairman Pattison then called for the secret rates allowed to the same corpora-tion during the same period.

"The purpose of this commission," said he to Mr. Kimball, "is to ascertain

how the sums that have been allowed from time to time as a result of special rates, compared with the published and

open rates."
"You have been getting them right along," said Mr. Kimball.
"Yes," replied the chairman, "we have been getting them in small doses, and very small doses at that."

Mr. Poppleton made an eloquent ap-

peal to the chairman to show that such statistics instead of throwing light on the subject under consideration would operate to the prejudice of both the road and the government because the general publie would not understand that a great deal of the business would not have been done if the rebates had not been allowed.

if the rebates had not been allowed.

"Suppose," said Charman Pattison calmly, "three million of dollars had been allowed in any one year, in the way of rebates and preferences, would not the gross earnings of the road at the end of the year be \$3,000,000 less than they would have been if the open rates had been charged on the fraight moved." had been charged on the freight moved?"

Mr. Poppleton said the trouble with

that position was that it didn't take the fact into account that a large amount of this business would have been lost by the road if the rebates had not been al-

lowed.
"Will you produce for the commission," said Chairman Pattison, addressing the general traffic manager, "a statement showing the total amount of rebates allowed during any one year?"
"I can do so," said Mr. Kimball, "but
the figures would be misleading to the

"You may append whatever explanation you like at the end of your state-ment," said the chairman. "Will you provide a statement show-

ing the gross overcharges, the gross re-bates, the gross pool settlements and the gross railroad settlements?" continued Governor Pattison.

Comptroller Mink interposing intimated very frankly that the furnishing of this information would involve a great deal of labor and expense, and that he thought it was only right that the commission should pay for it. "May ask you Governor Pattison," observed Mr. Poppleton, "under what clause of the act creating the commis-

sion this information is sought for?"
The governor cited the clause of the act under which the information was Sought.

Judge Poppleton rising to his feet

made another lengthy argument to show that the statement would be misleading. When he had finished Chairman Patti son calmly repeated the question.

Mr. Littler here endeavored to come

to the rescue by inquiring if all informa-tion sought could not be obtained from the books containing a record of the rates refunded. It failed to have the desired effect, however, as it appeared that in this book no distinction was made between rebates and overcharges.

"I only ask this information in justice to the officers of the road," said the chairman. "Will you furnish it?" chairman. "Will you furnish it?"
Mr. Kimball finally decided that he
would, and the chairman proceeded to inquire if certain other papers called for on June 20 were ready to be produced. Some of them were ready and further

time was asked to produce others.

Among the statements asked for was one showing the published tariff rates from the beginning of the road. The open tariff rates since April 1, 1887, were

'I want to say to you," said Chairman Pattison, "that this is not the informa-tion we are authorized to call for under the act. We want the rates prior to April 1, and I now hand it back to you with the request that you amend it by furnishing the published rates prior to April 1, 1887."

Mr. Kimball was asked if he had ready

a report sllowing the business resources of the country through which the Union Pacific road had been built or had con-templated building.

Mr. Kimball had not prepared this report yet.
Here Comptroller Mink returned from Auditor Young's office and said to the chairman that that gentleman estimated the cost of getting up the statement about pools and railroad settlements at from \$15,000 to \$18,000. Mr. Mink, when the

information was first asked for, said it would cost in the neighborhood of \$300.
"You thought it would cost about \$300," said Governor Pattison. "You were as far off in this estimate as you were on the constructive mileage fig-

"I told you at the time that I was only making the rankest kind of a guess about constructive mileage," replied Comptroller Mink with some embarrassment.

"Yes, very rank," said the governor, as he returned to the list of papers called for from Mr. Kimball on June 22.

As paper after paper was named and none of them were forthcoming, the gov-ernor inquired in a tone of surprise:

"Haven't you prepared any of these papers yet, Mr. Kimball?" Mr. Kimball replied that he had not

had time to prepare them as yet. Comptroller Mink submitted a statement from Auditor Young to the effect that it would take twenty-four years and cost \$48,000 to furnish the information asked for in regard to rebates and pool

On the basis of this statement Governor Pattison modified the call so as to in-clude only separate statements of gross pool settlements, rebates, overcharges and railroad settlements from January 1, 1884, to January 1, 1887, inclusive, and

totals for the years previous.

"Do you know," observed Comptroller Mink to Mr. Littler, during one of the luils in the examination of Mr. Kimball, "that Jay Gould was able to be outdoors yesterday afternoon for the first time since the commission got through with

"No, 1 didn't," said Mr. Littler, laughing think some of us will be in the same

shape by the time the commission gets through with us," observed Mr. Popple-

ton.

Mr. Poppleton wanted to know if Mr. Kimball couldn't be let off for the afternoon so that he could give his personal attention to the preparation of some of the could for Chairman Pattison. statements called for. Chairman Pattison consented and said that he would take up

Auditor Young in the afternoon.
The Freight Movement book for the month of January, 1887, was produced in order to show the constructive mileage accounts with various auxiliary roads during that period.

By the time the examination of this ponderous volume was finished Mr. Littler observed, wearily: "Do you know, governor, that it is after

is that so?" said the chairman, looking at his watch, and having verified the judge's statement, declared the commis-sion adjourned until 2 o'clock p. m.

AFTERNOON SESSION. It only lacked lifteen minutes of 8 o'clock when the commissioners got back from dinner and again took their seats at the long table in General Traffic Manager Kimball's private office at the Union Pacific headquarters. As soon us Chairman Pattison had called the com-mission to order, Comptroller Mink produced statements showing the legal ex-penses of the Union Pacific company from 1868 to 1880 when the Kansas Pa cific road was consolidated with the Union Pacific. Statements were also produced showing the legal expenses of the Kansas Pacific up to that time; those of the receiver of the Kansas Pacific; those of the Leavenworth & Southwestern and those of the Union Pacific from the date of the consolidation to December 31, 1886

Sergeant-at-Arms Walsh was asked if he had served a subpena on George M. Crawford. He said he had attempted to do so but had not succeeded. He had called at the gentleman's office, corner of Thirteenth and Harney and also at his residence on Sheridan avenue near Leavenworth street. At the latter place Mr. Craw-ford's sister informed him that her brother had gone to lown early in the morning and left word that he didn't know when

Auditor Young was placed on the stand again. In answer to questions he stated that he audited the accounts of the entire Union Pacific system as received from the heads of the various departments.
"Do you show the gross receipts in your report to Boston?" inquired the gov-

ernor."
"Yes, sir, after deducting the rebates," was the reply.

The governor wanted to know if the

gross receipts were those left after the rebates were deducted. Mr. Young replied that that was what they were "Do you report to the general office at Boston the amounts allowed in the way of rebates?" inquired the governor.

We do when they are called for," replied the witness.
"How often have then been called for during the past year?" asked the gov-

Mr. Young said they had been called for several times, and was asked to produce any written communications he had received on the subject from the general While the communications were being

looked for Chairman Pattison noticed Dr. Miller, who had come in during the noon recess, and asked if he was present to be

"I saw by one of the papers," said Dr. Miller, "that you said you were looking far my kind of people, and so I came up here." here,"
The governor explained that his remark had only been made in the way of a joke, and after some pleasantries on the part of the governor, the doctor and Judge Poppleton, the examination of uditor Young was resumed.

The witness was asked to produce a statement of the gross receipts of the Union Pacific road from 1869 to 1886, inclusive. Also the gross receipts of the Kansas Pacific from its organization until its consolidation with the Union

'How do you ascertain your gross earnings?" inquired the Governor. The witness explained in answer to the question that the gross receipts were not taken into account in ascertaining the gross earnings because an amount might gross earnings because an amount might be credited to gross earnings as due from another road which might not be col-lected for six months or a year. The gross earnings were ascertained by deducting overcharges, rebates, pool bal-ances, and similar items from the gross

receipts.

The witness said he made up the gross earnings account under the direction of Comptroller Mink.

Mr. Mink was asked why the railroad company had never kept separate accounts of the receipts from pools and those from other sources. He replied that the pool system was so complicated that it would be impossible to do so.

Mr. Young was asked if vouchers had ever been presented to him for money expended in influencing legislation. He said he didn't remember any such vouchers, but thought he would have re-membered if such vouchers had been

The following interrogatories to be propounded to P. C. Himebaugh were submitted and made part of the record. Have any directors, officers or employes of the Union Pacific railway complete the control of the control

ployes of the Union Pacific railway com-pany or any of its branches been in-terested in or connected with your firm or participated in any way in its profits or advantages? If so, give details. If there have been any leases, con-tracts, agreements, understandings or undertakings of any kind between you and the Union Pacific or lines in which it is interested, set them forth at length in answer to this question. answer to this question.

Give an itemized statement of rebates paid you by the Union Pacific railway company from time to to time; the open rate which then prevailed, the cut rate which was allowed to you, the purpose for which such rebate was made and copies of all letters or papers in the pos-session of yourself or your firm relating in any manner to any of the transactions

covered by said statement. Have you at any time received any adrantage in any form other than rebates from the Union Pacific railway company in which that corporation is interested? If so, please describe said advantages, including facilities, and the measure of their value to you.

Have you or your firm at any time aided or allowed others, with or without consideration, to obtain rebates or other advantages from the Union Pacific railway company through the use of the name of yourself or of the name your firm? If so, give details and state the nature of the consideration.

State the names of those shippers on the Union Pacific railway system who have been in active competition with you

have been in active competition with you or your firm in the business of transportation and the storage and handling and purchase of grain and other articles. Also state the length of time during which such competition was maintained over the lines of the Union Pacific.

State the effect of the so-called interstate commerce law, or of those provisions relating to publicity of rates, upon the business of yourself or of your firm. Have you or your firm attempted at any time or in any manner to influence

any time or in any manner to influence legislation in behalf of the Union Pacific

in which that corporation has had an in-At the end of last evening's examination the commission adjourned until Monday at 10 o'clock a. m., because Gov-ernor Pattison and Judge Littler desire to visit the Union Pacific shops and the smelting works to-day.

THE COURTS.

And What Was Going on in Them Yesterday.
There were three or four cases of first trial ejectment before Judge Hopewell

yesterday morning. Judge Neville and a jury were engaged in hearing the suit of John Riley against the Omaha beit railway, for \$8,000 damages because of the location of a track in front of his premises. C. S. Baldwin for Riley, Pritchett for the railway.

The racy divorce proceedings of Warren Cochran vs. Katie Ray Cochran, be-fore Judge Wakeley, is attracting a crowded court room.

The case of Frank M. Miles vs. Elizabeth M. Chase, ejectment, property located in Lincoln, is in progress before the United States court.

Robert M. Patrick was sworn in by Judge Dundy this morning as assistant United States attorney. Judge Berka's grist yesterday morning was exceedingly small—but sixteen cases

were disposed of. E. W. Bowen, a Sixteenth street collector, was charged with disturbing the peace. The evidence showed, however, that Bowen had interposed as peacemaker among a gang of battling boot blacks, and as an expected consequence the Arabs turned upon him, he was compelled to use vigorous meas-

ures to prevent them from administering

John McGrail, an old offender, was sent up in default of \$15 and costs, for peddling razors, seissors and other articles without a license, and for keeping his hide soaked with poor licquor be-side. Judge Berka said it would give him time to tone up.
Pat Burke and John Ryder, old timers,

were given fifteen and ten days respectively on bread and water for loitering.

The Lockwood Manufacturing company, South Norwalk, Conn., has brought suit in the county court against Lee, Fried & Co. for \$275, which is the amount in dispute upon a bill of goods shipped to defendants.

The United States National bank has filed in the county court a suit against Charles Cummings for \$60. It appears that Cummings presented a check for \$12 and the cashier made a mistake and paid him \$72. The bank asks the court for a \$60 judgment against him.

Amelia Larson petitions the district

ourt to be allowed to sell the real estate left by her late husband, Hans C. Larson Anna Palmer asks a divorce from William C. Palmer, to whom she was mar-ried in Iowa in September, 1883. She alleges cruel and inhuman treatment and adultery as the grounds for legal separation.

Anna Tinsley desires separation from William Tinsley, who abused her and threatened to kill her, according to the petition. They were married at Denver in November, 1884. Frederick and Dagmar Thompson were

married in this city on August 7, 1884. The petition of Mrs. Thompson for divorce says that Frederick in addicted to the use of intoxicating liquors; that he came home and smashed up the firmiture, abused her, etc. He is a saloon keeper and possesses some property Mrs. Thompson asks alimony and the restoration of her maiden name of Nel-

MORTUARY MATTERS. Facts About Those Who Have Departed this Life.

HERBERT D. JONES. Herhert D. Jones died vesterday n ing of consumption at the residence of George A. Joselyn, 2422 Davenport street. Mr. Jones was for some time manager of the Metropolitan hotel before it changed hands and has been of late clerk at the Windsor hotel. He was 29 years of age, well known in the city and his funeral will take place under the auspices of the Knights of Pythias.

The old man, Julius Paul, who died Thursday at the Child's hospital, is still unidentified.

Short Talk with Vollmer. A BEE reporter saw Vollmer, to be sentenced this morning for the murder of Dennis Quinlan, in his cell yesterday

He was attired in a gauze undershirt and pants and his dull face looked duller

than ever. His prospective fate seemed to have no terrors for him. "Hello, Charlie, how are you this

morning?" "Vas goot." "What do you think of the result of your trial?"

"Ugh?" "You know the jury found you guiltywhat do you think of it?"

"It was purty tuff, I tinks, purty tuff! I would nefer shot, off dose men vould not let me, lone. How much dey gif me, you tink?";
"That is discretionary with the court -

"That is discretionary with the court—
not over ten years, though."

"Ten years? Mine Gott, do dey tink I
sthays in here ten years. I von't do it."

The poor fellow seemed to have but the most meagre appreciation of his position, and no sense of the powers of the law. He is a victim of ignorance and vicious associations, with no relatives in this country and but few disinterested friends.

Jailor Miller is of the opinion that he is the victim of the deviltry of that man Schill, who was held with Vollmer. Schill, while in jail, evinced all the traits of a cowardly bully, was mean, mali-cious, ugly and morose, and had all the prisoners down upon him, while on the contrary Vollmer was quiet and inoffen-sive and well liked.

Estimates for glass furnished by Cum mings & Neilson, jobbers of Plate, Win-dow and Ornamental Glass, Paints, Oils,

Where is Mike Meaney? To the Editor of the BEE: You will confer a great favor on us by publishing this letter, and calling the attention of the city council to that part of Jackson street between Thirteenth and Fourteenth. Hay and manure has accumulated there to such an extent, that we are obliged to keep our doors and windows closed all the time. We think it is time for the council to remove the feed and sale stables to some part of the city less populated than Jackson street. I have rooms to rent and can not rent them on account of the smell of manure and in account of the smell of manure and in the day time there is a constant gathering of men on the sidewalk; they stand there cursing and swearing, so ladies dislike to pass that way; the sidewalk is all torn up by them hitching horses to it. Oh, where is Mike Meaney? The mayor and council will confer a favor on us by looking into this matter.

MRS. MARY MORIARTY AND OTHERS.

legislation in behalf of the Union Pacific railway company?

Has the Union Pacific railway company diverted the shipments of yourself or your firm or of any consugnments to your firm from lines aided in bonds by the government, to lines that were not so aided?

What has been the extent of the holdings of yourself or your firm in the securities of the Union Pacific railway company, or in the securities of any company

Description of the Union Pacific railway company to judy 20, 1887, at two o'clock pany, or in the securities of any company

MRS. MARY MORIARTY AND OTHERS.

A Commercial Traveler Injured.

Yesterday morning, at 11 o'clock, a man was found iying in the rear way on the west side of Strang's building, near Farnam street. He was unconscious when picked up and a long gash was found on the back of the head under the left ear. He pany, or in the securities of any company

MRS. MARY MORIARTY AND OTHERS.

NOTICE is hereby given that the board of public works of the city of Piattsmouth, Neb., will receive bids up to July 20, 1887, for the furnishing of material and for paving District No. 1, in said city, being twelve thousand was found on the west side of Strang's building, near Farnam street. He was unconscious when picked up and a long gash was found on the back of the head under the left ear. He bids will be opened July 21, 1887, at two o'clock pany, or in the securities of any company

the sidewalk and struck upon some fron castings in the bottom of the area. Dr. Edmiston was called and attended him, and had him removed to St. Joseph's hospital. As nearly as could be ascertained, from papers on his possession, his name is G. W. Whetmore, and as late as June 11 must have been traveling for Ligget & Meyers, tobacconists, Kansas City

J. McDonnell, F. A. I. A., Architect, N. E. cor. 15th and Dodge.

Mr. Sorenson's Condition. The condition of Mr. Alf Sorenson, managing editor of the BEE, who was injured ten days ago by a sidewalk nail puncturing his foot, was much better yesterday. Last Wednesday Dr. Coffman performed a surgical operation on the injured foot, removing the inflamed parts, and the patient is now improving rapidly. The doctor says he is past danger, and will be out in a few days. Scores of friends in and outside the profession will be glad to know that his early recovery is assured.

M. P. Sage, M. D., United States surgeon, of New Haven, Conn., is in the city.

"The Happy Thought is the best hard coal range in the world," For sale by C. F. Gardner, 719 North 16th St.

An All-Round Athlete. To the Editor of the BEE: The undersigned hereby challenges any man in Nebraska for a contest at the following series of athletic games, for a purse of \$100 to \$200 and the championship of the state: Hitch-and-kick, two feet kick, pole-vaulting, running-high-jump, three standing jumps without weights, 125 yard hurdle race, sixty yard dash, run-ning, hop-step-and-jump, catch-as-catch-can wrestle. Man and money can be found at St. Charles hotel, Omaha, Neb. D. E. FLETCHER.

For Sale. One newspaper Campbell press, bed 82x46, one Potter cylender job press, bed 22x28, one boiler and engine, shafting and belting, all in good order. Will sell this machinery very cheap, as the owner has no use for same. Address to 1120 Capitol avenue, Omaha, Neb.

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able for a summer garden. W. G. Albright, 218 S. 15th st. Will S. Jay, the versatile topics man of the Lincoln Journal, was in the city yesterday, on his way to Sioux City, for



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Graduate of the Royal College of Veter nary Surgeons, London, England. Office, Benham's Stable, 118 North 16th

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